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Counsel for All Named Defendants

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

OSCAR JONES,

Plaintiff,

v.

CITY/MUNICIPALITY OF
COTTONWOOD HEIGHTS, UTAH;
OFFICER ZEPHANI HUANG; OFFICER
KYLE MAHONEY; SERGEANT GARY
YOUNG; OFFICER JEFF GAINEY;
POLICE CHIEF ERNEST
ROBERT/ROBBY RUSSO; and CITY
MANAGER TIM TINGEY,

Defendants.

**SCHEDULING AND DISCOVERY
ORDER**

Case No. 2:22-cv-00302

Judge Ted Stewart
Chief Magistrate Judge Dustin B. Pead

This matter, having come before the Court upon consideration of the Parties' Attorney Planning Meeting Report, and after due deliberation thereon, it is hereby ordered that the Parties shall adhere to the following discovery plan and scheduling order:

1. DISCOVERY PLAN:

a. Discovery is necessary on the following subjects: *The claims and defenses asserted in the case, including whether a Defendant violated Plaintiff's federal and/or state constitutional rights, and/or Utah tort/common law related to Plaintiff's arrest and detention in or around May 2021.*

b. Discovery Phases

The Parties will exchange initial disclosures required by Rule 26(a)(1) by December 9, 2022. Discovery will begin with fact discovery. Once fact discovery is complete, the parties may elect to engage in expert discovery depending on the facts developed during fact discovery.

c. Discovery Methods and Limitations.

(1) *For oral exam depositions, (i) the maximum number for the plaintiff(s) and the defendant(s), and (ii) the maximum number of hours unless extended by agreement of the parties are set below.*

Oral Exam Depositions

Plaintiff(s): 10

Defendant(s): 10

Maximum number of hours per deposition: 5

(2) *For interrogatories, requests for admissions, and requests for production of documents, the maximum number that will be served on any party by any other party are set below.*

Interrogatories: 20

Admissions: 20

Requests for production of documents: 20

(3) *Other discovery methods: Subpoenas per Fed. R. Civ. P. 45; Inspecting, copying, testing, or sampling per Fed. R. Civ. P. 34(a)(1).*

- d. Discovery of electronically stored information should be handled as follows:
Preserved and produced in the form in which it is ordinarily maintained or as otherwise requested.
- e. The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: *As indicated in the Court's Standard Protective Order.*
- f. Last day to file written discovery: 05/03/23
- g. Close of fact discovery: 05/31/23
- h. Final date for supplementation of disclosures under Rule 26(a)(3) and of discovery under Rule 26(e): 05/31/23

2. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:

- a. The cutoff dates for filing a motion to amend pleadings are:
Plaintiff(s): 02/01/23 Defendant(s): 02/14/23
- b. The cutoff dates for filing a motion to join additional parties are:
Plaintiff(s): 09/01/23 Defendants(s): 02/14/23
(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed. R. Civ. P. 15(a)).

3. EXPERT REPORTS:

- a. The parties will disclose the subject matter and identity of their experts on:
Party(ies) bearing burden of proof: 05/31/23
Counter Disclosures: 07/19/23
- b. Reports from experts under Rule 26(a)(2) will be submitted on *(specify dates)*:
Party(ies) bearing burden of proof: 07/05/23
Counter Reports: 09/06/23

4. OTHER DEADLINES:

- a. Expert Discovery cutoff: 09/06/23
- b. Deadline for filing dispositive or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case:

10/04/23

- c. Deadline for filing partial or complete motions to exclude expert testimony:

10/04/23

5. ADR/SETTLEMENT:

- a. The potential for resolution before trial is: Fair
- b. The parties intend to file a motion to participate in the Court's alternative dispute resolution program for: Settlement Conference (with magistrate judge)
- c. The parties intend to engage in private alternative dispute resolution for: Mediation
- d. The parties will re-evaluate the case for settlement/ADR resolution on: 05/03/23

6. TRIAL AND PREPARATION FOR TRIAL:

- a. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than the 14 days provided by Rule).
- b. This case should be ready for trial by: 12/04/23
Specify type of trial: Jury
- c. The estimated length of the trial is: 3 days

7. TRIAL DEADLINES

Plaintiff's 26(a)(3) disclosures: 2/2/2024

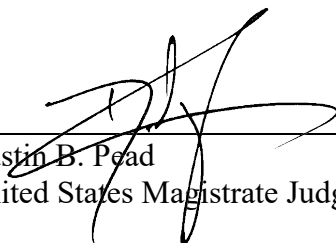
Defendant's 26(a)(3) disclosures: 2/16/2024

Settlement Conference and special Attorney Conference: 3/1/2024

Final Pretrial: 2:30 pm 3/25/2024

Trial: 8:30 am 4/8/2024

DATED this 9 January 2023.



Dustin B. Pead
United States Magistrate Judge